

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/734,670 Confirmation No.: 6280  
Applicant : Richard S. Ginn  
Filing Date : 12/11/2003  
Title : NEEDLE APPARATUS FOR CLOSING SEPTAL DEFECTS AND METHODS  
FOR USING SUCH APPARATUS  
Group Art Unit : 3773  
Examiner : Tyson, Melanie Ruano  
Docket No. : 15997.4002  
Customer No. : 34313

EFS Web  
Commissioner for Patents

TERMINAL DISCLAIMER

Sir:

I, Mark Stirrat, represent that I am an attorney of record for the above-identified application. I am authorized to sign this Terminal Disclaimer on behalf of Ovalis, Inc. I certify that Ovalis, Inc. owns the entire interest in the above-identified application and invention by virtue of an assignment from the inventors to Ovalis, Inc. recorded in the Patent and Trademark Office at Reel 012786, Frame 0649. I have reviewed all the documents in the chain of title of this patent application and, to the best of my knowledge and belief, title and the entire interest of this patent application is held by Ovalis, Inc.

Ovalis, Inc. hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the statutory expiration date of U.S. Patent No. 7,740,640. Ovalis, Inc. is the owner of U.S. Patent No. 7,740,640 (Application Serial No. 10/856,493) by virtue of assignment from the inventors to Ovalis, Inc.

Moreover, Ovalis, Inc. hereby agrees that any patent granted on the application or any patent subject to the reexamination proceeding shall be enforceable only for and during such period that said patent is commonly owned with the application or patent which formed that basis for the judicially created double patenting.

Ovalis, Inc. does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 7,740,640 (Application Serial No. 10/856,493), in the event that this patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

Method of Payment of fees:

- A check in the amount of \$ \_\_\_\_\_ is enclosed to cover the above fee(s).
- Charge Orrick's Deposit Account No. **15-0665** in the amount of **\$180.00**. The Commissioner is authorized to charge Orrick's Deposit Account No. **15-0665** for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 and to credit any overpayments to said Deposit Account No. **15-0665**.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: November 17, 2010

By: /s/ Mark Stirrat

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